



9111-97

**DEPARTMENT OF HOMELAND SECURITY**

**U.S. Citizenship and Immigration Services**

**[CIS No. 2544-14; DHS Docket No. USCIS-2014-0006]**

**RIN 1615-ZB29**

**Extension of the Designation of Nicaragua for Temporary Protected Status**

**AGENCY:** U.S. Citizenship and Immigration Services, Department of Homeland Security.

**ACTION:** Notice.

**SUMMARY:** Through this Notice, the Department of Homeland Security (DHS) announces that the Secretary of Homeland Security (Secretary) is extending the designation of Nicaragua for Temporary Protected Status (TPS) for 18 months from January 6, 2015 through July 5, 2016.

The extension allows currently eligible TPS beneficiaries to retain TPS through July 5, 2016 so long as they otherwise continue to meet the eligibility requirements for TPS. The Secretary has determined that an extension is warranted because the conditions in Nicaragua that prompted the TPS designation continue to be met. There continues to be a substantial, but temporary, disruption of living conditions in Nicaragua resulting from Hurricane Mitch, and Nicaragua remains unable, temporarily, to handle adequately the return of its nationals.

Through this Notice, DHS also sets forth procedures necessary for nationals of Nicaragua (or aliens having no nationality who last habitually resided in Nicaragua) to re-register for TPS and to apply for renewal of their Employment Authorization Documents (EADs) with U.S. Citizenship and Immigration Services (USCIS). Re-registration is limited to persons who have previously registered for TPS under the designation of Nicaragua and whose applications have been granted. Certain nationals of Nicaragua (or aliens having no nationality who last habitually

resided in Nicaragua) who have not previously applied for TPS may be eligible to apply under the late initial registration provisions, if they meet: (1) at least one of the late initial filing criteria; and, (2) all TPS eligibility criteria (including continuous residence in the United States since December 30, 1998, and continuous physical presence in the United States since January 5, 1999).

For individuals who have already been granted TPS under the Nicaraguan designation, the 60-day re-registration period runs from [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER] through [Insert date 60 days from date of publication in the FEDERAL REGISTER]. USCIS will issue new EADs with a July 5, 2016 expiration date to eligible Nicaragua TPS beneficiaries who timely re-register and apply for EADs under this extension. Given the timeframes involved with processing TPS re-registration applications, DHS recognizes that not all re-registrants will receive new EADs before their current EADs expire on January 5, 2015. Accordingly, through this Notice, DHS automatically extends the validity of EADs issued under the TPS designation of Nicaragua for 6 months, through July 5, 2015, and explains how TPS beneficiaries and their employers may determine which EADs are automatically extended and their impact on Employment Eligibility Verification (Form I-9) and the E-Verify processes.

**DATES:** The 18-month extension of the TPS designation of Nicaragua is effective January 6, 2015, and will remain in effect through July 5, 2016. The 60-day re-registration period runs from [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER] through [INSERT DATE 60 DAYS FROM DATE OF PUBLICATION IN THE FEDERAL REGISTER]. (**Note:** It is important for re-registrants to timely re-register during this 60-day re-registration period, and not to wait until their EADs expire.)

## **FURTHER INFORMATION:**

- For further information on TPS, including guidance on the application process and additional information on eligibility, please visit the USCIS TPS Web page at <http://www.uscis.gov/tps>.  
You can find specific information about this extension of Nicaragua for TPS by selecting “TPS Designated Country: Nicaragua” from the menu on the left of the TPS Web page.
- You can also contact the TPS Operations Program Manager at the Family and Status Branch, Service Center Operations Directorate, U.S. Citizenship and Immigration Services, Department of Homeland Security, 20 Massachusetts Avenue, N.W., Washington, DC 20529-2060; or by phone at (202) 272-1533 (this is not a toll-free number). **Note:** The phone number provided here is solely for questions regarding this TPS Notice. It is not for individual case status inquiries.
- Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS Web site at <http://www.uscis.gov>, or call the USCIS National Customer Service Center at 800-375-5283 (TTY 800-767-1833). Service is available in English and Spanish.
- Further information will also be available at local USCIS offices upon publication of this Notice.

## **SUPPLEMENTARY INFORMATION:**

### **Table of Abbreviations**

BIA – Board of Immigration Appeals

DHS – Department of Homeland Security

DOS – Department of State

EAD – Employment Authorization Document

FNC – Final Nonconfirmation

Government – U.S. Government

IJ – Immigration Judge

INA – Immigration and Nationality Act

OSC – U.S. Department of Justice, Office of Special Counsel for Immigration-Related Unfair Employment Practices

SAVE – USCIS Systematic Alien Verification for Entitlements Program

Secretary – Secretary of Homeland Security

TNC – Tentative Nonconfirmation

TPS – Temporary Protected Status

TTY – Text Telephone

USAID- U.S. Agency for International Development

USCIS – U.S. Citizenship and Immigration Services

### **What is Temporary Protected Status (TPS)?**

- TPS is a temporary immigration status granted to eligible nationals of a country designated for TPS under the Immigration and Nationality Act (INA), or to persons without nationality who last habitually resided in the designated country.
- During the TPS designation period, TPS beneficiaries are eligible to remain in the United States, may not be removed, and may obtain work authorization, so long as they continue to meet the requirements of TPS.
- TPS beneficiaries may also be granted travel authorization as a matter of discretion.
- The granting of TPS does not result in or lead to permanent resident status.
- When the Secretary terminates a country's TPS designation, beneficiaries return to the same

immigration status they maintained before TPS, if any (unless that status has since expired or been terminated), or to any other lawfully obtained immigration status they received while registered for TPS.

### **When was Nicaragua designated for TPS?**

On January 5, 1999, the Attorney General designated Nicaragua for TPS based on an environmental disaster within that country, specifically the devastation resulting from Hurricane Mitch. See Designation of Nicaragua Under Temporary Protected Status, 64 FR 526 (Jan. 5, 1999). The Secretary last announced an extension of the Nicaragua TPS designation on April 3, 2013, based on her determination that the conditions warranting the designation continued to be met. See Extension of the Designation of Nicaragua for Temporary Protected Status, 78 FR 20128 (Apr. 3, 2014). This announcement is the twelfth extension of TPS for Nicaragua since the original designation in 1999.

### **What authority does the Secretary of Homeland Security have to extend the designation of Nicaragua for TPS?**

Section 244(b)(1) of the INA, 8 U.S.C. 1254a(b)(1), authorizes the Secretary, after consultation with appropriate U.S. Government agencies, to designate a foreign state (or part thereof) for TPS if the Secretary finds that certain country conditions exist.<sup>1</sup> The Secretary may then grant TPS to eligible nationals of that foreign state (or aliens having no nationality who last habitually resided in that state). See INA section 244(a)(1)(A), 8 U.S.C. 1254a(a)(1)(A).

At least 60 days before the expiration of a country's TPS designation or extension, the Secretary, after consultation with appropriate Government agencies, must review the conditions

---

<sup>1</sup> As of March 1, 2003, in accordance with section 1517 of title XV of the Homeland Security Act of 2002, Public Law 107-296, 116 Stat. 2135, any reference to the Attorney General in a provision of the INA describing functions transferred from the Department of Justice to DHS "shall be deemed to refer to the Secretary" of Homeland Security. See 6 U.S.C. 557 (codifying the Homeland Security Act of 2002, tit. XV, section 1517).

in a foreign state designated for TPS to determine whether the conditions for the TPS designation continue to be met. See INA section 244(b)(3)(A), 8 U.S.C. 1254a(b)(3)(A). If the Secretary determines that a foreign state continues to meet the conditions for a TPS designation, the designation may be extended for an additional period of 6, 12, or 18 months. See INA section 244(b)(3)(C), 8 U.S.C. 1254a(b)(3)(C). If the Secretary determines that the foreign state no longer meets the conditions for TPS designation, the Secretary must terminate the designation. See INA section 244(b)(3)(B), 8 U.S.C. 1254a(b)(3)(B).

### **Why is the Secretary extending the TPS designation for Nicaragua through July 5, 2016?**

Over the past year, DHS and the Department of State (DOS) have continued to review conditions in Nicaragua. Based on this review and after consulting with DOS, the Secretary has determined that an 18-month extension is warranted because the disruption in living conditions in affected areas of Nicaragua resulting from the environmental disaster that prompted the January 5, 1999 designation persists.

Hurricane Mitch made landfall in Nicaragua in October 1998. The storm killed 3,045 people and 885 were reported missing. The devastation of Hurricane Mitch affected nearly 868,000 people. Landslides and floods destroyed entire villages and caused extensive damages to the transportation network, housing, medical and educational facilities, water supply and sanitation facilities, and the agricultural sector. Overall damage estimates ranged between \$1.3-1.5 billion. Hurricane Mitch caused critical food and potable water shortages. Agricultural difficulties have continued, such as a significant shortage in the production of beans, a staple crop, as well as a struggling coffee sector. These events have contributed to an environment in which there are continual disruptions to living conditions.

Estimates of houses destroyed by Hurricane Mitch ranged as high as 145,000. Housing

reconstruction costs were estimated at \$143.7 million. Damages to roads and bridges accounted for approximately 60 percent of Mitch-related reconstruction costs. Approximately 1,500 kilometers of paved and 6,500 kilometers of unpaved roads were damaged and 71 bridges were destroyed. The infrastructure damage resulted in the country's main cities being physically disconnected from smaller towns and communities. Managua, for example, was left disconnected from cities in the northern, central, and western regions of the country, compromising communication and the movement of people and commercial goods. Road and bridge reconstruction and repair costs were estimated at \$804 million.

The international community continues to assist the government of Nicaragua to repair the damage and destruction left behind by Hurricane Mitch; the European Union's Regional Programme for the Reconstruction of Central America constructed and rehabilitated 1,050 homes, the Canadian Red Cross and the United Nations Development Programme collaborated to build 1,300 homes, and local authorities with the assistance of various small Spanish Non-Governmental Organizations built 300 homes in the municipality of Ocotal. Despite the effort of these programs, there currently still is a net housing deficit in Nicaragua.

A significant amount of aid was dedicated to repairing and improving road infrastructure. The Inter-American Development Bank authorized two loans totaling \$85 million for rehabilitation of the Pan-American Highway and the San Lorenzo to Muhan road. In 2004, the Inter-American Development Bank granted an additional \$40 million for road improvement projects. The World Bank contributed funds to rehabilitation and maintenance projects for third and fourth roads, which are typically rural and unpaved. Although these projects have been completed, only 12 percent of Nicaragua's roads are paved, representing the lowest percentage in Central America. Most rural roads in the northern mountainous region and the Atlantic coast

have not been properly repaired since Hurricane Mitch and have suffered additional damage due to frequent flooding.

By the end of 2001, the United States Agency for International Development (USAID) had completed a multi-year project to construct or repair 50 health units and 20 schools. USAID provided these institutions with medical and school supplies. Similarly, the European Union's Regional Programme for the Reconstruction of Central America constructed or rehabilitated five health centers and 139 schools.

Significant improvements have been made to water and sanitation systems. In 1999, the Inter-American Development Bank authorized a loan for \$13.9 million to modernize potable water and sanitation systems. In 2000, the Inter-American Development Bank followed up with a \$15 million loan to implement sanitation programs in Lake Managua. By 2001, the USAID contractor Environmental Health Project reported that 2,692 water supply systems, 7,226 household latrines, and 295 wells had been constructed. In 2001, the Nicaraguan Aqueducts and Sewage Company reported that 46 percent of the rural population had access to safe water. In 2006, the Inter-American Development Bank approved a loan in the amount of \$30 million to provide potable water service to an additional 80,000 people and to strengthen the maintenance capacity of the national water and sanitation company. The Inter-American Development Bank has continued to fund potable water and sanitation improvement projects, most recently a 2010 loan in the amount of \$30 million, to increase coverage of potable water and sanitation services. Projects funded by this loan are currently being implemented.

Following Mitch, various hurricanes, tropical depressions, and tropical storms have made landfall in Nicaragua. These ensuing natural disasters have hampered recovery and compounded the devastation and substantial disruption in living conditions resulting from Hurricane Mitch. In



November 2001, Hurricane Michelle damaged or destroyed 3,349 houses, seven bridges, and 7,000 hectares of staple crops which is equivalent to 80 percent of crop production. In September 2007, Hurricane Felix, a category 5 storm, killed more than 100 people and damaged or destroyed 16,400 houses. In May 2008, Tropical Storm Alma damaged seven Pacific coast departments, leaving more than 25,000 people homeless. In October 2008, a tropical depression brought intense rains that affected 10,633 people in eight departments. In November 2009, Hurricane Ida brought heavy rains and winds to the northern coast of Nicaragua causing damage to 875 homes, contaminating 300 wells and affecting more than 13,000 people.

More recently, in October 2011, heavy rains associated with a tropical depression caused flooding and landslides throughout Nicaragua. An assessment carried out by the Nicaraguan government concluded that 87 of 153 municipalities in the country were damaged and nearly 149,000 people suffered losses to their property, agricultural crops, and other livelihoods. A total of 8,924 homes were flooded; 1,235 were partially destroyed and 335 completely destroyed. Damages and losses totaled \$445 million or 6.8 percent of the gross domestic product in 2010. The year 2013 was also a harsh period for the region, as heavy rains from Hurricane Barbara in May resulted in almost 600 homes being flooded, and over 3,000 people affected. During June and July of the same year, tropical storms and heavy seasonal rain resulted in fifteen deaths, widespread flooding, and 12,000 people affected. According to an August 12, 2014, Famine Early Warning System report, a lengthy drought in 2014 prevented many farmers, especially in the northern region, from planting food crops during the normal spring planting cycle, thus contributing to food insecurity. Nicaragua also continues to suffer from an infestation of coffee rust that reduces yields, especially for poorer coffee farmers, and thereby cuts back on opportunities for coffee harvesters.

Nicaragua's poor economy has slowed down reconstruction efforts, undermining Nicaragua's capacity to absorb additional Nicaraguan nationals. The regions of Nicaragua most devastated by Hurricane Mitch continue to be the poorest and least developed in the country. Weak global commodity prices and decreased profits for Nicaraguan exports will negatively impact the country's gross domestic product. Nicaragua lies in a region vulnerable to hurricanes, tropical storms, seasonal rains, volcanoes and earthquakes, all of which have occurred in the years since Mitch. Consequently, the need for reconstruction, infrastructure improvement, and disaster preparedness projects remains ongoing.

Based upon this review and after consultation with appropriate Government agencies, the Secretary finds that:

- The conditions that prompted the January 5, 1999 designation of Nicaragua for TPS continue to be met. See INA section 244(b)(3)(A) and (C), 8 U.S.C. 1254a(b)(3)(A) and (C).
- There continues to be a substantial, but temporary, disruption in living conditions in Nicaragua as a result of an environmental disaster. See section 244(b)(1)(B) of the INA, 8 U.S.C. 1254a(b)(1)(B).
- Nicaragua continues to be unable, temporarily, to handle adequately the return of its nationals (or aliens having no nationality who last habitually resided in Nicaragua). See section 244(b)(1)(B) of the Act, 8 U.S.C. 1254a(b)(1)(B).
- The designation of Nicaragua for TPS should be extended for an additional 18-month period from January 6, 2015 through July 5, 2016. See INA section 244(b)(3)(C), 8 U.S.C. 1254a(b)(3)(C).
- There are approximately 2,800 current Nicaraguan beneficiaries who are expected to file for re-registration and may be eligible to retain their TPS under the extension.



## **Notice of Extension of the TPS Designation of Nicaragua**

By the authority vested in me as Secretary under INA section 244, 8 U.S.C. 1254a, I have determined, after consultation with the appropriate Government agencies, that the conditions that prompted the designation of Nicaragua for TPS in 1999 continue to be met. See INA section 244(b)(3)(A), 8 U.S.C. 1254a(b)(3)(A). On the basis of this determination, I am extending the existing TPS designation of Nicaragua for 18 months from January 6, 2015 through July 5, 2016. See INA section 244(b)(2) and (b)(3), 8 U.S.C. 1254a(b)(2) and (b)(3).

---

**Jeh Charles Johnson,**  
Secretary.

## **Required Application Forms and Application Fees to Register or Re-register for TPS**

To register or re-register for TPS for Nicaragua, an applicant must submit each of the following two applications:

1. Application for Temporary Protected Status (Form I-821).

- If you are filing an application for late initial registration, you must pay the fee for the Application for Temporary Protected Status (Form I-821). See 8 CFR 244.2(f)(2) and 244.6 and information on late initial filing on the USCIS TPS Web page at <http://www.uscis.gov/tps>.
- If you are filing an application for re-registration, you do not need to pay the fee for the Application for Temporary Protected Status (Form I-821). See 8 CFR 244.17.  
and

2. Application for Employment Authorization (Form I-765).

- If you are applying for late initial registration and want an EAD, you must pay the fee for the Application for Employment Authorization (Form I-765) only if you are age 14 through 65. No fee for the Application for Employment Authorization (Form I-765) is required if you are under the age of 14 or are 66 and older and applying for late initial registration.
- If you are applying for re-registration, you must pay the fee for the Application for Employment Authorization (Form I-765) only if you want an EAD, regardless of age.
- You do not pay the fee for the Application for Employment Authorization (Form I-765) if you are not requesting an EAD, regardless of whether you are applying for late initial registration or re-registration.

You must submit both completed application forms together. If you are unable to pay for

the Application for Employment Authorization (Form I-765) and/or biometrics fee, you may apply for a fee waiver by completing a Request for Fee Waiver (Form I-912) or submitting a personal letter requesting a fee waiver, and by providing satisfactory supporting documentation. For more information on the application forms and fees for TPS, please visit the USCIS TPS Web page at <http://www.uscis.gov/tps>. Fees for the Application for Temporary Protected Status (Form I-821), the Application for Employment Authorization (Form I-765), and biometric services are also described in 8 CFR 103.7(b)(1)(i).

### **Biometric Services Fee**

Biometrics (such as fingerprints) are required for all applicants 14 years of age or older. Those applicants must submit a biometric services fee. As previously stated, if you are unable to pay for the biometric services fee, you may apply for a fee waiver by completing a Request for Fee Waiver (Form I-912) or by submitting a personal letter requesting a fee waiver, and providing satisfactory supporting documentation. For more information on the biometric services fee, please visit the USCIS Web site at <http://www.uscis.gov>. If necessary, you may be required to visit an Application Support Center to have your biometrics captured.

### **Re-filing a Re-registration TPS Application After Receiving a Denial of a Fee Waiver Request**

USCIS urges all re-registering applicants to file as soon as possible within the 60-day re-registration period so that USCIS can process the applications and issue EADs promptly. Filing early will also allow those applicants who may receive denials of their fee waiver requests to have time to re-file their applications before the re-registration deadline. If, however, an applicant receives a denial of his or her fee waiver request and is unable to re-file by the re-registration deadline, the applicant may still re-file his or her application. This situation will be

reviewed to determine whether the applicant has established good cause for late re-registration. However, applicants are urged to re-file within 45 days of the date on their USCIS fee waiver denial notice, if at all possible. See INA section 244(c)(3)(C); 8 U.S.C. 1254a(c)(3)(C); 8 CFR 244.17(c). For more information on good cause for late re-registration, visit the USCIS TPS Web page at <http://www.uscis.gov/tps>. **Note:** As previously stated, although a re-registering TPS beneficiary age 14 and older must pay the biometric services fee (but not the initial TPS application fee) when filing a TPS re-registration application, the applicant may decide to wait to request an EAD, and therefore not pay the Application for Employment Authorization (Form I-765) fee, until after USCIS has approved the individual's TPS re-registration, if he or she is eligible. If you choose to do this, you would file the Application for Temporary Protected Status (Form I-821) with the fee and the Application for Employment Authorization (Form I-765) without the fee and without requesting an EAD.

### **Mailing Information**

Mail your application for TPS to the proper address in Table 1.

**Table 1-Mailing Addresses**

<b>If...</b>	<b>Mail to...</b>
You are re-registering for TPS through the U.S. Postal Service  or  You were granted TPS by an Immigration Judge (IJ) or the Board of Immigration Appeals (BIA), and you wish to request an EAD,  or  You are re-registering for the first time following a grant of TPS by an IJ or BIA and you are mailing through the U.S. Postal	U.S. Citizenship and Immigration Services Attn: TPS Nicaragua P.O. Box 6943 Chicago, IL 60680-6943

Service	
You are registering late for a late initial filing through the U.S. Postal Service	U.S. Citizenship and Immigration Services Attn: TPS Nicaragua P.O. Box 6943 Chicago, IL 60680-6943
You would like to send your application using a non-U.S. Postal Service delivery service (for re-registrations AND late initial filings)	U.S. Citizenship and Immigration Services Attn: TPS - Nicaragua 131 S. Dearborn - 3rd Floor Chicago, IL 60603-5517

If you were granted TPS by an IJ or the BIA, and you wish to request an EAD, or are re-registering for the first time following a grant of TPS by an IJ or the BIA, please mail your application to the appropriate address in Table 1. Upon receiving a Notice of Action (Form I-797) from USCIS, please send an e-mail to the appropriate USCIS Service Center handling your application providing the receipt number and stating that you submitted a re-registration and/or request for an EAD based on an IJ/BIA grant of TPS. If your USCIS receipt number begins with the letters “LIN,” please e-mail the Nebraska Service Center at [TPSijgrant.nsc@uscis.dhs.gov](mailto:TPSijgrant.nsc@uscis.dhs.gov). If your USCIS receipt number begins with the letters “WAC,” please e-mail the California Service Center at [TPSijgrant.csc@uscis.dhs.gov](mailto:TPSijgrant.csc@uscis.dhs.gov). You can find detailed information on what further information you need to e-mail and the e-mail addresses on the USCIS TPS Web page at <http://www.uscis.gov/tps>.

### **E-Filing**

If you are re-registering for TPS during the re-registration period and you do not need to submit any supporting documents or evidence, you are eligible to file your applications electronically. For more information on e-filing, please visit <http://www.uscis.gov/e-filing>.

### **Employment Authorization Document (EAD)**

May I request an interim EAD at my local USCIS office?



No. USCIS will not issue interim EADs to TPS applicants and re-registrants at local offices.

Am I eligible to receive an automatic 6-month extension of my current EAD through July 5, 2015?

Provided that you currently have TPS under the Nicaragua designation, this notice automatically extends your EAD by 6 months if you:

- Are a national of Nicaragua (or an alien having no nationality who last habitually resided in Nicaragua);
- Received an EAD under the last extension of TPS for Nicaragua; and
- Have an EAD with a marked validity date of January 5, 2015, bearing the notation “A-12” or “C-19” on the face of the card under “Category.”

Although this Notice automatically extends your EAD through July 5, 2015, you must re-register timely for TPS in accordance with the procedures described in this Notice if you would like to maintain your TPS.

When hired, what documentation may I show to my employer as proof of employment authorization and identity when completing Employment Eligibility Verification (Form I-9)?

You can find a list of acceptable document choices on the “Lists of Acceptable Documents” for Employment Eligibility Verification (Form I-9). You can find additional detailed information on the USCIS I-9 Central Web page at <http://www.uscis.gov/I-9Central>. Employers are required to verify the identity and employment authorization of all new employees by using Employment Eligibility Verification (Form I-9). Within 3 days of hire, an employee must present proof of identity and employment authorization to his or her employer.

You may present any document from List A (reflecting both your identity and

employment authorization), or one document from List B (reflecting identity) together with one document from List C (reflecting employment authorization). You may present an acceptable receipt for List A, List B, or List C documents as described in the Form I-9 Instructions. An EAD is an acceptable document under “List A.” Employers may not reject a document based on a future expiration date.

If your EAD has an expiration date of January 5, 2015, and states “A-12” or “C-19” under “Category,” it has been extended automatically for 6 months by virtue of this Federal Register Notice, and you may choose to present your EAD to your employer as proof of identity and employment authorization for Employment Eligibility Verification (Form I-9) through July 5, 2015 (see the subsection titled “How do my employer and I complete the Employment Eligibility Verification (Form I-9) using an automatically extended EAD for a new job?” for further information). To minimize confusion over this extension at the time of hire, you may also show your employer a copy of this Federal Register Notice confirming the automatic extension of employment authorization through July 5, 2015. As an alternative to presenting your automatically extended EAD, you may choose to present any other acceptable document from List A, or a combination of one selection from List B and one selection from List C.

What documentation may I show my employer if I am already employed but my current TPS-related EAD is set to expire?

Even though EADs with an expiration date of January 5, 2015 that state “A-12” or “C-19” under “Category” have been automatically extended for 6 months by this Federal Register Notice, your employer will need to ask you about your continued employment authorization once July 5, 2015 is reached to meet its responsibilities for Employment Eligibility Verification (Form I-9). However, your employer does not need a new document to reverify your employment

authorization until July 5, 2015, the expiration date of the automatic extension. Instead, you and your employer must make corrections to the employment authorization expiration dates in Section 1 and Section 2 of Employment Eligibility Verification (Form I-9) (see the subsection titled “What corrections should my current employer and I make to Employment Eligibility Verification (Form I-9) if my EAD has been automatically extended?” for further information). In addition, you may also show this Federal Register Notice to your employer to explain what to do for Employment Eligibility Verification (Form I-9).

By July 5, 2015, the expiration date of the automatic extension, your employer must reverify your employment authorization. At that time, you must present any document from List A or any document from List C on Employment Eligibility Verification (Form I-9) to reverify employment authorization, or an acceptable List A or List C receipt described in the Form I-9 Instructions. Your employer should complete either Section 3 of the Employment Eligibility Verification (Form I-9) originally completed for the employee or, if this Section has already been completed or if the version of Employment Eligibility Verification (Form I-9) has expired (check the date in the upper right-hand corner of the form), complete Section 3 of a new Employment Eligibility Verification (Form I-9) using the most current version. Note that your employer may not specify which List A or List C document employees must present, and cannot reject an acceptable receipt.

Can my employer require that I produce any other documentation to prove my status, such as proof of my Nicaraguan citizenship?

No. When completing Employment Eligibility Verification (Form I-9), including re-verifying employment authorization, employers must accept any documentation that appears on the “Lists of Acceptable Documents” for Employment Eligibility Verification (Form I-9) that

reasonably appears to be genuine and that relates to you or an acceptable List A, List B, or List C receipt. Employers may not request documentation that does not appear on the “Lists of Acceptable Documents.” Therefore, employers may not request proof of Nicaraguan citizenship when completing Employment Eligibility Verification (Form I-9) for new hires or reverifying the employment authorization of current employees. If presented with EADs that have been automatically extended, employers should accept such EADs as valid List A documents so long as the EADs reasonably appear to be genuine and to relate to the employee. Refer to the Note to Employees section of this Notice for important information about your rights if your employer rejects lawful documentation, requires additional documentation, or otherwise discriminates against you based on your citizenship or immigration status, or your national origin.

What happens after July 5, 2015 for purposes of employment authorization?

After July 5, 2015, employers may no longer accept the EADs that this Federal Register Notice automatically extended. Before that time, however, USCIS will endeavor to issue new EADs to eligible TPS re-registrants who request them. These new EADs will have an expiration date of July 5, 2016 and can be presented to your employer for completion of Employment Eligibility Verification (Form I-9). Alternatively, you may choose to present any other legally acceptable document or combination of documents listed on the Employment Eligibility Verification (Form I-9).

How do my employer and I complete Employment Eligibility Verification (Form I-9) using an automatically extended EAD for a new job?

When using an automatically extended EAD to complete Employment Eligibility Verification (Form I-9) for a new job prior to July 5, 2015, you and your employer should do the following:

1. For Section 1, you should:
  - a. Check “An alien authorized to work;”
  - b. Write your alien number (USCIS number or A-number) in the first space (your EAD or other document from DHS will have your USCIS number or A-number printed on it; the USCIS number is the same as your A-number without the A prefix); and
  - c. Write the automatically extended EAD expiration date (July 5, 2015) in the second space.
2. For Section 2, employers should record the:
  - a. Document title;
  - b. Document number; and
  - c. Automatically extended EAD expiration date (July 5, 2015).

No later than July 5, 2015, employers must reverify the employee’s employment authorization in Section 3 of the Employment Eligibility Verification (Form I-9).

What corrections should my current employer and I make to Employment Eligibility Verification (Form I-9) if my EAD has been automatically extended?

If you are an existing employee who presented a TPS-related EAD that was valid when you first started your job, but that EAD has now been automatically extended, you and your employer should correct your previously completed Employment Eligibility Verification (Form I-9) as follows:

1. For Section 1, you should:
  - a. Draw a line through the expiration date in the second space;
  - b. Write “July 5, 2015” above the previous date;
  - c. Write “TPS Ext.” in the margin of Section 1; and
  - d. Initial and date the correction in the margin of Section 1.

2. For Section 2, employers should:
  - a. Draw a line through the expiration date written in Section 2;
  - b. Write “July 5, 2015” above the previous date;
  - c. Write “TPS Ext.” in the margin of Section 2; and
  - d. Initial and date the correction in the margin of Section 2.

By July 5, 2015, when the automatic extension of EADs expires, employers must reverify the employee’s employment authorization in Section 3.

If I am an employer enrolled in E-Verify, what do I do when I receive a “Work Authorization Documents Expiration” alert for an automatically extended EAD?

If you are an employer who participates in E-Verify and you have an employee who is a TPS beneficiary who provided a TPS-related EAD when he or she first started working for you, you will receive a “Work Authorization Documents Expiring” case alert when this EAD is about to expire. Usually, this message is an alert to complete Section 3 of the Employment Eligibility Verification (Form I-9) to reverify an employee’s employment authorization. For existing employees with TPS-related EADs that have been automatically extended, employers should dismiss this alert by clicking the red “X” in the “dismiss alert” column and follow the instructions above explaining how to correct the Employment Eligibility Verification (Form I-9). By July 5, 2015, employment authorization must be reverified in Section 3. Employers should never use E-Verify for reverification.

#### **Note to All Employers**

Employers are reminded that the laws requiring proper employment eligibility verification and prohibiting unfair immigration-related employment practices remain in full force. This Notice does not supersede or in any way limit applicable employment verification

rules and policy guidance, including those rules setting forth reverification requirements. For general questions about the employment eligibility verification process, employers may call USCIS at 888-464-4218 (TTY 877-875-6028) or e-mail USCIS at [I-9Central@dhs.gov](mailto:I-9Central@dhs.gov). Calls and e-mails are accepted in English and many other languages. For questions about avoiding discrimination during the employment eligibility verification process, employers may also call the U.S. Department of Justice, Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC) Employer Hotline at 800-255-8155 (TTY 800-237-2515), which offers language interpretation in numerous languages, or e-mail OSC at [oscrt@usdoj.gov](mailto:oscrt@usdoj.gov).

### **Note to Employees**

For general questions about the employment eligibility verification process, employees may call USCIS at 888-897-7781 (TTY 877-875-6028) or e-mail at [I-9Central@dhs.gov](mailto:I-9Central@dhs.gov). Calls are accepted in English and many other languages. Employees or applicants may also call the U.S. Department of Justice, Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC) Worker Information Hotline at 800-255-7688 (TTY 800-237-2515) for information regarding employment discrimination based upon citizenship, immigration status, or national origin, or for information regarding discrimination related to Employment Eligibility Verification (Form I-9) and E-Verify. The OSC Worker Information Hotline provides language interpretation in numerous languages.

To comply with the law, employers must accept any document or combination of documents from the Lists of Acceptable Documents if the documentation reasonably appears to be genuine and to relate to the employee, or an acceptable List A, List B, or List C receipt described in the Employment Eligibility Verification (Form I-9) Instructions. Employers may not require extra or additional documentation beyond what is required for Employment

Eligibility Verification (Form I-9) completion. Further, employers participating in E-Verify who receive an E-Verify case result of “Tentative Nonconfirmation” (TNC) must promptly inform employees of the TNC and give such employees an opportunity to contest the TNC. A TNC case result means that the information entered into E-Verify from Employment Eligibility Verification (Form I-9) differs from the Social Security Administration, DHS, or DOS records. Employers may not terminate, suspend, delay training, withhold pay, lower pay or take any adverse action against an employee based on the employee’s decision to contest a TNC or because the case is still pending with E-Verify. A Final Nonconfirmation (FNC) case result is received when E-Verify cannot verify an employee’s employment eligibility. An employer may terminate employment based on a case result of FNC. Work-authorized employees who receive an FNC may call USCIS for assistance at 888-897-7781 (TTY 877-875-6028). An employee that believes he or she was discriminated against by an employer in the E-Verify process based on citizenship or immigration status, or based on national origin, may contact OSC’s Worker Information Hotline at 800-255-7688 (TTY 800-237-2515).. Additional information about proper nondiscriminatory Employment Eligibility Verification (Form I-9) and E-Verify procedures is available on the OSC Web site at <http://www.justice.gov/crt/about/osc/> and the USCIS Web site at <http://www.dhs.gov/E-verify>.

**Note Regarding Federal, State, and Local Government Agencies (Such as Departments of Motor Vehicles)**

While Federal government agencies must follow the guidelines laid out by the Federal government, state and local government agencies establish their own rules and guidelines when granting certain benefits. Each state may have different laws, requirements, and determinations about what documents you need to provide to prove eligibility for certain benefits. Whether you



are applying for a Federal, state, or local government benefit, you may need to provide the government agency with documents that show you are a TPS beneficiary and/or show you are authorized to work based on TPS. Examples are:

- (1) Your unexpired EAD that has been automatically extended, or your EAD that has not expired;
- (2) A copy of this Federal Register Notice if your EAD is automatically extended under this Notice;
- (3) A copy of your Application for Temporary Protected Status Notice of Action (Form I-797) for this re-registration;
- (4) A copy of your past or current Application for Temporary Protected Status Notice of Action (Form I-797), if you received one from USCIS; and/or
- (5) If there is an automatic extension of work authorization, a copy of the fact sheet from the USCIS TPS Web site that provides information on the automatic extension.

Check with the government agency regarding which document(s) the agency will accept. You may also provide the agency with a copy of this Federal Register Notice.

Some benefit-granting agencies use the USCIS Systematic Alien Verification for Entitlements Program (SAVE) to verify the current immigration status of applicants for public benefits. If such an agency has denied your application based solely or in part on a SAVE response, the agency must offer you the opportunity to appeal the decision in accordance with the agency's procedures. If the agency has received and acted upon or will act upon a SAVE verification and you do not believe the response is correct, you may make an InfoPass appointment for an in-person interview at a local USCIS office. Detailed information on how to make corrections, make an appointment, or submit a written request can be found at the SAVE

Web site at <http://www.uscis.gov/save>, then by choosing “How to Correct Your Records” from the menu on the right.

[FR Doc. 2014-24560 Filed 10/15/2014 at 8:45 am; Publication Date: 10/16/2014]